

**REMARKS**

**Status of the Application**

Claims 1-13 are all the claims pending in the Application. Claims 1, 3-6, 8 and 11-13 have been rejected.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 2, 7, 9 and 10 would be allowed if rewritten in independent form.

Applicant thanks the Examiner for indicating that claim 13 would be allowed if rewritten in independent form and to overcome the indefiniteness rejection discussed below.

Applicant respectfully requests that the Examiner hold in abeyance the rewriting of these claims until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

**Indefiniteness Rejection**

The Examiner has rejected claims 11, 12 and 13 as being indefinite under 35 U.S.C. § 112, second paragraph. The informalities noted by the Examiner have been corrected. Thus, withdrawal of the claim rejection is respectfully requested.

**Claim Rejections**

The Examiner has rejected independent claim 1<sup>1</sup> under 35 U.S.C. § 103(a) as being unpatentable over JP 09-002024A to Himuro (hereinafter “JP ‘024”) in view of US 5,746,849 to Hutson et al. (hereinafter “Hutson”) and/or EP 0 812 709 A1 (hereinafter “EP ‘709”).

As previously discussed, the primary reference, Himuro, discloses a tread pattern with central circumferential rib 1 and directional slant blocks 2, 3. Block 2 has a low land height portion in a region corresponding to a high land height portion of the block 3, and vice versa. Fine slant grooves, extending in the widthwise direction, are arranged between blocks 2 and 3. The transitions between the low and high land heights of blocks 2 and 3 (*i.e.*, the sloped portions) are alternately arranged in the circumferential direction of the tread, along with the interposed fine slant grooves, to form a falsely circumferential groove 4 and a similar groove in the vicinity of the rib 1. In other words, the upward and downward steep slopes of blocks 2 and 3 work together to form two “V” shaped circumferential grooves.

The Examiner again takes the position<sup>2</sup> that JP ‘204 discloses all of the features of independent claim 1, except for the shape of the first land part being approximately triangular.

Applicant agrees that JP ‘204 fails to teach or suggest such features. Additionally, Applicant respectfully submits that one of skill would not have modified JP ‘204 to add such features, as it would adversely affect the operation of JP ‘204.

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<sup>1</sup> As well as dependent claims 6, 8, 11 and 12.

<sup>2</sup> Similarly to the September 30, 2002 Office Action.

Nevertheless, the Examiner alleges that both Hutson and EP '709 disclose triangular landing portions. The Examiner alleges that one of skill would have modified the directional slant blocks 2, 3 of JP '204 to be "triangular" because it "would improve stiffness" (citing Hutson) and/or "to improve drainage" (citing EP '709).

However, even if it would have been possible to modify JP '204 as the Examiner alleges, the resultant combination would still not teach or suggest all of the features of the invention.

As a matter of example, the invention comprehends the tread pattern shown in exemplary FIG. 1, *i.e.*, a tread pattern with first land parts 8 (which are substantially triangular and tapered toward the central side), main slant grooves 7 (which are substantially triangular and tapered toward the tread end), and a first auxiliary land part 14 arranged at the central side of the slant groove 7 and having a gradually increasing height toward the central side (*i.e.*, rib 5).

Focusing on a central side of the first land part 8, an acute angle end portion of the first land part 8 is continuous with the highest portion of the first auxiliary land part 14 formed in the slant groove 7 (as viewed in the circumferential direction).

Normally, providing the acute angle end of the land part is such a position (*i.e.*, the leading side) is not preferable, as it has detrimental effects on the rigidity of the land part and the resistance to uneven wear. However, in the present invention, the first auxiliary land part is arranged adjacent to the acute angle end portion of the first land part and is continuous thereto in the circumferential direction, so that there is not caused a fear of lowering the land rigidity and the like.

In contrast, the V-shaped circumferential groove adjacent to the central rib 1 in JP `024 is constructed by (1) the downward sloping portions of the blocks 2, (2) the upwardly sloping portions of the blocks 3, and (3) the fine slant grooves. That is, the fine slant grooves are always arranged between the downward sloping portion of the block 2 and the upwardly sloping portion of the block 3. Accordingly, the tread pattern of JP `024 is a pattern never developing the effect of the present invention.

Therefore, the Examiner's allegation that the steeply slanted "protrusion" from central circumferential rib 1 (the portion colored orange in the Examiner's colored Figure) corresponds to the first auxiliary land part defined in the present invention is in error. The steeply slanted protrusion is sandwiched between the fine slant grooves and is discontinuous to the land part (or high height portion of block 3) adjacent thereto in the circumferential direction.

Thus, Applicant respectfully submits that independent claim 1 is patentable over the applied references. Further, Applicant respectfully submits that dependent claims 2-13 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

### Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-13 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-13.


Amendment Under 37 C.F.R. § 1.116  
U.S. Appln. No.: 09/756,876

Attorney Docket # Q62523

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,

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Date: September 15, 2003